UNITED STATES DISTRICT COURT EASTERN DISTRICT OF PENNSYLVANIA

ELIZABETH RUSH, INDIVIDUALLY, AND AS MOTHER AND NATURAL GUARDIAN OF OLIVIA RUSH,

Plaintiff,

v. : No. 5:17-cv-01293

220 INGRAHAM OPERATING CORP. and TRYAD GROUP MANAGEMENT, LLC, Defendants/Third-Party Plaintiffs,

v.

DOMINICK BOYD; ALICIA BROWN; KATE BOYD; BORN INTO THE ARTS; and B.I.A. STUDIOS, LLC, Third-Party Defendants

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ORDER

AND NOW, this 18th day of May, 2018, upon consideration of the pending Motion to Dismiss and for the reasons set forth in the Opinion issued this date, **IT IS HEREBY ORDERED THAT:** the Motion to Dismiss, ECF No. 7, is **GRANTED in part and DENIED in part** as follows:

- 1. The Motion to Dismiss is granted as to the breach of contract claim and negligent retention claim, and Counts One and Four are **DISMISSED** with **prejudice**.
- 2. The Motion to Dismiss is denied as to the claim for punitive damages in Count Three.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.
JOSEPH F. LEESON, JR.
United States District Court